

### **REMARKS / DISCUSSION OF ISSUES**

Claims 2, 5, 9, 11 and 16 – 18 are cancelled without prejudice; and claims 1, 7, 8, 10 and 15 are amended. The support for the claim amendments may be found in Applicants' specification, for example, Fig. 6B and page 7, lines 6 – 12. No new matter is added.

Claims 1, 8 and 15 are independent.

#### **35 U.S.C. 103**

Under 35 U.S.C. 103(a), the Office Action rejects claims 1, 3, 4, 7, 8, 10, 12 – 15, 18, 19 and 21 over Palin et al. (US Pub No. 2005/0176371 A1, hereinafter "Palin") in view of Regulinski et al. (US Pub No. 2002/0146979 A1, hereinafter "Regulinski").

Applicants submit that for at least the following reasons, claims 1, 3, 4, 7, 8, 10, 12 – 15, 19 and 21 are patentable over Palin and Regulinski, either singly or in combination.

For example, claim 1, in part, requires:

*"transmitting said desired signal over the multiple spectrum opportunities simultaneously using said altered transmission characteristics when said transmission occurs during said time duration."* (Emphasis added)

Applicants submit that Palin discloses selecting a frequency hopping pattern for communications in a local short-range wireless communications network (paragraph [0007]). However, under the frequency hopping of Palin, only one frequency band is used at a time for the transmission of the signal (Fig. 2, and paragraph [0030]). First frequency band 102a is used in first time interval 202a, second frequency band 102b is used in second time interval 202b, etc. Thus, the multiple frequency bands identified are not used for the transmission of the desired signal simultaneously. Therefore, Palin fails to teach or suggest the above claimed feature.

Since the Office only cited Regulinski for providing the teaching of obtaining location and frequency assignment of the base station from a database, and the Office does not allege that Regulinski teaches or suggests the above claimed feature missing in Palin, therefore, Regulinski fails to cure the defects present in Palin as discussed above with respect the claim 1.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Palin and Regulinski, either singly or in combination.

Similarly, independent claim 8, in part, requires:

*"enabling transmission of said desired signal over the multiple spectrum opportunities simultaneously using said altered transmission characteristics when transmission of said desired signal occurs during said time duration."*

Moreover, independent claim 15, in part, requires:

*"a transmission unit receiving said altered transmission characteristics to transmit said desired signal over the multiple spectrum opportunities simultaneously using said altered transmission characteristics."*

Applicants essentially repeat the above arguments for claim 1 and apply them to each of claims 8 and 15, pointing out why claims 8 and 15 are patentable over Palin and Regulinski.

Claims 3, 4, 7, 10, 12 – 14, 19 and 21 respectively depend from and inherit all the respective features of claims 1, 8 and 15. Therefore, claims 3, 4, 7, 10, 12 – 14, 19 and 21 are patentable for at least the reason that they respectively depend from claims 1, 8 and 15, with each claim containing further distinguishing features. Claim 18 is cancelled.

Withdrawal of the rejection of claims 1, 3, 4, 7, 8, 10, 12 – 15, 18, 19 and 21 under 35 U.S.C. 103(a) is respectfully requested.

Under 35 U.S.C. 103(a), the Office Action rejects claim 6 over Palin and Regulinski, and further in view of Diener et al. (US Pub No. 2003/0198200 A1, hereinafter "Diener"); and claim 20 over Palin and Regulinski, and further in view of Butala (US Pub No. 2004/0203987 A1).

Applicants submit that neither Diener nor Butala can in any way cure the defects present in Palin and Regulinski as discussed above with respect to claims 1 and 15. Claims 6 and 20 respectively depend from and inherit all the respective features of either of claims 1 and 15. Therefore, claims 6 and 20 are patentable for at least the reason that they respectively depend from either of claims 1 and 15, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 6 and 20 under 35 U.S.C. 103(a) is respectfully requested.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

By: /Hay Yeung Cheung/  
Hay Yeung Cheung  
Registration No.: 56,666  
Myers Wolin, LLC  
(973) 401-7157

**Please direct all correspondence to:**

Corporate Counsel  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001